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immunity by so doing. *Carr v. State*, *supra*; *Ex parte Hollman*, *supra*. The advisability of imprisonment even for some forms of tort debts has been questioned, and imprisonment for contempt in failing to pay alimony referred to as a "relic of barbarism." (1921) 65 SOL. JOUR. 844. While not going so far, the instant case falls clearly within the general rule. The wording of the Statute was sufficiently broad to include a debtor innocent of fraud.

CONTRACTS—ACT OF GOD—INTERVENING HUMAN AGENCY.—Because of a landslide in the Panama Canal the defendants were unable to deliver a vessel according to the terms of a charter-party containing mutual exceptions for "acts of God." In an admiralty action the defendants claimed excuse under the exceptions. *Held*, that judgment for the plaintiffs should be affirmed, since the landslide was not an act of God. *Gans S. S. Line v. Wilhelmsen* (1921, C. C. A. 2d) 275 Fed. 254.

The courts rather deftly evade giving the phrase "act of God" a judicial definition. Without attempting finality the Court in the instant case considered it as "due to natural causes without human intervention." The term has been applied to the damage itself. See *Charleston Ry. v. Nixon* (1914) 142 Ga. 343, 82 S. E. 893. A more accurate application is to the cause of the damage. *Michaels v. New York Central Ry.* (1864) 30 N. Y. 564, 576. Practically all the cases hold that an act of God, in legal contemplation, must be a manifestation of natural forces, unusual, according to the ordinary experience of man, and unforeseeable or unavoidable. Abbott, *Law of Merchant Ships and Seamen* (14th ed. 1901) 584. There is much *dicta* to the effect that there must be an entire exclusion of human agency from the cause of the injury. See *Michaels v. N. Y. Central Ry.*, *supra*; *The Majestic* (1897) 166 U. S. 375, 17 Sup. Ct. 597. Nearly all of such cases are explainable on the ground of negligence, or on the ground that one or more of the agreed elements of an act of God are missing. See *Gleeson v. Va. Ry.* (1891) 140 U. S. 435, 11 Sup. Ct. 859. Whether there is or is not *human intervention* may depend upon the particular violence considered the *cause*, and its remoteness from the damage. An illustration is furnished in the Johnstown flood, which was caused by the breaking of a dam by an unusual storm. *Long v. Penn. Ry.* (1892) 147 Pa. 343, 23 Atl. 459. If the breaking of the dam be considered the act of God, there was no human intervention between the act and the damage; if the unusual storm, clearly an act of God, be considered the cause of the ultimate damage, there was an intervening human agency. In either view there was human contribution. In holding the Black Tom explosion not an act of God, the Court said that the explosives were "inherently unstable compounds not combined by spontaneous processes of nature, but under human direction." *Lysaght v. Lehigh Valley Ry.* (1918, S. D. N. Y.) 254 Fed. 351. Very probably if lightning had occasioned the discharge the explosion would have been an act of God. The phrase "without human intervention" in a definition of act of God seems misleading because it does not take into account the cases where violent natural forces produce disastrous results through man-made instrumentalities. The true test would consider whether the proximate cause of the injury was human in origin, acting through any agency whatever, or whether it was natural, non-human, and unforeseeable. And if applied to the facts of the instant case, the conclusion seems correct.

CRIMINAL LAW—PROCEDURE UNDER HABITUAL OFFENDER STATUTES.—The defendant was charged with having burglar's tools in his possession in violation of Conn. Gen. Sts. 1918, sec. 6238, punishable by five years in prison. The indictment also charged him with, and, on the trial, evidence was given of, two prior prison terms, in order to raise the sentence, if convicted of the third offence, to a maximum of thirty years. *Ibid.* sec. 6660. *Held*, that prior convictions must be alleged in the indictment for the defendant's information, but that neither the allegation of